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SENATE BILL 529

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING THE PUBLIC SCHOOL CODE  
TO PROHIBIT SCHOOLS FROM PERMITTING PERSONS TO TEACH GRADES OR  
SUBJECTS FOR WHICH THEY ARE NOT CERTIFIED OR ENDORSED TO TEACH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10-3 NMSA 1978 (being Laws 1975,  
Chapter 306, Section 3, as amended by Laws 2002, Chapter 41,  
Section 1 and by Laws 2002, Chapter 81, Section 1) is amended  
to read:

"22-10-3. CERTIFICATE REQUIREMENT-- TYPES OF  
CERTIFICATES-- FORFEITURE OF CLAIM- EXCEPTION-- ADMINISTRATOR  
APPRENTICESHIP. --

A. ~~Any~~ A person teaching, supervising an  
instructional program, counseling or providing special  
instructional services in a public school or state agency; ~~any~~

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underscored material = new  
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1 ~~person~~] administering in a public school; [~~and any person~~] or  
2 providing health care and administering medication or  
3 performing medical procedures in a public school shall hold a  
4 valid certificate authorizing the person to perform that  
5 function.

6 B. All certificates issued by the state board shall  
7 be standard certificates except that the state board may issue  
8 alternative, substandard, substitute and Native American  
9 language and culture certificates under certain circumstances.

10 C. If a person applies for and is qualified to  
11 receive an alternative certificate, the state board shall issue  
12 an alternative certificate to a person not meeting the  
13 requirements for a standard certificate.

14 D. If a local school board or the governing  
15 authority of a state agency certifies to the state board that  
16 an emergency exists in the hiring of a qualified person, the  
17 state board may issue a substandard certificate to a person not  
18 meeting the requirements for a standard certificate.

19 E. A public school shall not allow a person to  
20 teach a grade level or a subject for which that person is not  
21 qualified by certification or endorsement.

22 [~~E.~~] F. The state board may issue a substitute  
23 certificate to a person not meeting the requirements for a  
24 standard certificate to enable the person to perform the  
25 functions of a substitute teacher pursuant to the rules of the

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1 state board.

2 ~~[F-]~~ G. The state board may issue a Native American  
3 language and culture certificate to a person proficient in a  
4 Native American language and culture of a New Mexico tribe or  
5 pueblo who meets criteria established by the state board. A  
6 baccalaureate degree is not required for the person applying  
7 for this certificate. The Native American language and culture  
8 certificate shall be issued and renewable in accordance with  
9 procedures established by the state board.

10 ~~[G-]~~ H. All substandard certificates issued shall  
11 be effective for only one school year. An alternative  
12 certificate may be effective for up to three years, provided  
13 that after a person has satisfactorily completed a minimum of  
14 one year up to three years of teaching under the supervision of  
15 a mentor or clinical supervisor, the state board shall issue a  
16 standard certificate to that person. ~~[Nø]~~ A person under the  
17 age of eighteen years shall not hold a valid certificate,  
18 whether a standard, alternative or substandard.

19 ~~[H.—Any]~~ I. A person teaching, supervising an  
20 instructional program, counseling or providing special  
21 instructional services in a public school or state agency; ~~[and~~  
22 ~~any person]~~ or administering in a public school without a valid  
23 certificate after the first three months of the school year  
24 shall thereafter forfeit all claim to compensation for services  
25 rendered.

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[~~I.~~] J. This section shall not apply to a person performing the functions of a practice teacher as defined in the rules of the state board.

[~~J.—Any~~] K. A school nurse certified by the department of education shall also be licensed by the board of nursing.

[~~K.~~] L. Notwithstanding any existing requirements, [~~any~~] a person seeking certification as an administrator shall be required to serve a one-year apprenticeship. The state board shall develop criteria and rules to implement the provisions of this subsection. "